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3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT TACOMA

6           TYLER HULBERT,

7                         Plaintiff,

8           v.

9           MICHAEL J. ASTRUE, Commissioner of  
10              Social Security

11                 Defendant.

Case No. C09-5141BHS-KLS

ORDER GRANTING DEFENDANT'S  
MOTION TO FILE SURREPLY

This matter comes before the Court on defendant's filing of a motion to file a surreply.  
(Dkt. #25). Defendant requests that the Court accept his surreply, because plaintiff raised an issue in his reply brief (Dkt. #24) that was not raised in his opening brief (Dkt. #14). Plaintiff has not objected to defendant's motion and attached surreply.

Accordingly, because plaintiff has not objected thereto, and because it does appear that plaintiff's reply brief raises an issue not raised in his opening brief, defendant's motion to file a surreply (Dkt. #25) hereby is GRANTED. However, no further briefing concerning the merits of this case shall be filed by the parties, unless such briefing has been ordered by the Court.

The Clerk is directed to send a copy of this order to plaintiff's and defendant's counsel.

DATED this 1st day of December, 2009.

  
Karen L. Strombom  
United States Magistrate Judge